

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INTELLECTUAL VENTURES I LLC
And
INTELLECTUAL VENTURES II LLC

CIVIL ACTION NO.

Plaintiffs

vs.

PNC FINANCIAL SERVICES GROUP, INC.,
And
PNC BANK NA

Defendants.

COMPLAINT

Plaintiffs, Intellectual Ventures I LLC and Intellectual Ventures II LLC, by their undersigned counsel, file this Complaint, averring as follows:

PARTIES

1. Plaintiff, Intellectual Ventures I LLC (“Intellectual Ventures I”), is a Delaware limited liability company having its principal place of business located at 3150 139th Ave SE, Bellevue, Washington, 98005.

2. Plaintiff, Intellectual Ventures II LLC (“Intellectual Ventures II”), is a Delaware limited liability company having its principal place of business located at 3150 139th Ave SE, Bellevue, Washington, 98005.

3. Upon information and belief, Defendant, PNC Financial Services Group, Inc. (“PNC Financial Services”), is a Pennsylvania corporation with a principal place of business at 249 Fifth Avenue, One PNC Plaza, Pittsburgh, Pennsylvania, 15222.

4. Upon information and belief, Defendant, PNC Bank NA (“PNC Bank”), is a Pennsylvania corporation with a principal place of business at 249 Fifth Avenue, One PNC Plaza, Pittsburgh, Pennsylvania, 15222. Defendants PNC Financial Services and PNC Bank are referred to herein collectively as “Defendant.”

JURISDICTION AND VENUE

5. This Honorable Court has jurisdiction because this dispute is a civil action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1 *et. seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1138(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) because Defendant has conducted business in this district and/or provided services to its customers within this judicial district, and has committed acts of patent infringement within this district giving rise to this action.

STATEMENT OF FACTS

7. This is an action for patent infringement of one or more claims of United States Patent No. 7,664,701 (“the ’701 Patent”); United States Patent No. 7,603,382 (“the ’382 Patent”); United States Patent No. 6,182,894 (“the ’894 Patent”); United States Patent No. 8,083,137 (“the ’137 Patent”); and United States Patent No. 7,757,298 (“the ’298 Patent”) (collectively the “Patents-in-Suit”).

8. Intellectual Ventures Management, LLC (“Intellectual Ventures”) was founded in 2000. Since its founding, Intellectual Ventures has been deeply involved in the business of invention. Intellectual Ventures creates inventions and files patent applications for those inventions; collaborates with others to develop and patent inventions; and acquires and licenses patents from individual inventors, universities and other institutions. A significant aspect of Intellectual Ventures' business is managing the Plaintiff in this case, Intellectual Ventures II.

9. Intellectual Ventures' business includes purchasing important inventions from individual inventors and institutions and then licensing the inventions to those who need them. Through this business, Intellectual Ventures allows inventors to reap a financial reward from their innovations, which is frequently difficult for individual inventors to do. To date, Intellectual Ventures has acquired more than 70,000 IP assets and, in the process, has paid individual inventors hundreds of millions of dollars for their inventions. Intellectual Ventures, in turn, has earned more than \$3 billion by licensing these patents to some of the world's most innovative and successful technology companies who continue to use them to make computer equipment, software, semiconductor devices, and a host of other products.

10. Intellectual Ventures also creates inventions. Intellectual Ventures has a staff of scientists and engineers who develop ideas in a broad range of fields, including agriculture, computer hardware, life sciences, medical devices, semiconductors, and software. Intellectual Ventures has invested millions of dollars developing such ideas and files hundreds of patent applications on its inventions every year, making it one of the top patent filers in the world. Intellectual Ventures has also invested in laboratory facilities to assist with the development and testing of new ideas.

11. Intellectual Ventures also creates inventions by collaborating with inventors and research institutions around the world. For example, Intellectual Ventures has developed inventions by selecting a technical challenge, requesting proposals for inventions to solve the challenge from inventors and institutions, selecting the most promising ideas, rewarding the inventors and institutions for their contributions, and filing patent applications on the ideas. Intellectual Ventures has invested millions of dollars in this way and has created a network of more than 4,000 inventors worldwide.

12. On February 16, 2010, the '701 Patent, titled "Masking Private Billing Data By Assigning Another Billing Data To Use In Commerce With Businesses," was duly and lawfully issued by the PTO. A copy of the '701 Patent is attached hereto as Exhibit A.

13. On October 13, 2009, the '382 Patent, titled "Advanced Internet Interface Providing User Display Access of Customized Webpages," was duly and lawfully issued by the PTO. A copy of the '382 Patent is attached hereto as Exhibit B.

14. On February 2, 2001, the '894 Patent, titled "Systems And Methods For Authorizing A Transaction Card," was duly and lawfully issued by the PTO. A copy of the '894 Patent is attached hereto as Exhibit C.

15. On December 27, 2011, the '137 Patent, titled "Administration of Financial Accounts," was duly and lawfully issued by the PTO. A copy of the '137 Patent is attached hereto as Exhibit D.

16. On July 13, 2010, the '298 Patent, titled "Method and Apparatus for Identifying and Characterizing Errant Electronic Files," was duly and lawfully issued by the PTO. A copy of the '298 Patent is attached hereto as Exhibit E.

17. Intellectual Ventures I is the owner and assignee of all right, title and interest in and to the '701 Patent, the '382 Patent, the '137 Patent and the '298 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

18. Intellectual Ventures II is the owner and assignee of all right, title and interest in and to the '894 Patent and holds the right to sue and recover damages for infringement thereof, including past damages.

19. Defendant provides online banking services and other systems and services via electronic means including, but not limited to, the web site <https://www.pnc.com> or

<https://www.pncsites.com>. In connection with these online banking services and other systems and services, Defendant infringes one or more claims of the '701 Patent, the '382 Patent, the '894 Patent, the '137 Patent and the '298 Patent.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,664,701)

20. Intellectual Ventures I and Intellectual Ventures II incorporate by reference the foregoing averments as if fully set forth below.

21. Intellectual Ventures I is informed and believes and thereon alleges that Defendant has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 5 of the '701 Patent by making, using, providing, offering to sell and/or selling its Online Bill Pay system/service.

22. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant also has and continues to directly infringe at least claim 5 of the '701 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of its Online Bill Pay system/service in this judicial district and elsewhere in the United States. Specifically, Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has actively induced and continues to induce the infringement of at least claim 5 of the '701 Patent at least by actively inducing the use of its Online Bill Pay system/service by third party users in the United States. Intellectual Ventures I is informed and believe, and thereon alleges, that Defendant knew or should have known that its conduct would induce others to use the Online Bill Pay system/service in a manner that infringes the '701 Patent. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will continue to infringe the '701 Patent in violation of 35 U.S.C. §271(a) by using the infringing system/service.

Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant through at least the websites at <https://pncbank.com> and <https://pnccsites.com> actively induced its customers to infringe the '701 Patent.

23. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has contributorily infringed and continues to contributorily infringe at least claim 5 of the '701 Patent by providing, selling and/or offering to sell within the United States infringing systems and services that constitute a material part of the claimed invention and are not staple articles of commerce suitable for substantial non-infringing use. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will infringe the '701 Patent in violation of 35 U.S.C. § 271(a) by using the infringing system.

24. Intellectual Ventures I has provided written notice via letter to Defendant of its infringement of at least claim 5 of the '701 Patent, and Defendant also has written notice of its infringement by virtue of the filing and service of this Complaint.

25. Intellectual Ventures I has suffered damages as a result of Defendant's infringement of the '701 Patent in an amount to be proven at trial.

SECOND CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,603,382)

26. Intellectual Ventures I and Intellectual Ventures II incorporate by reference the foregoing averments as if fully set forth below.

27. Intellectual Ventures I is informed and believes and thereon alleges that Defendant has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 1 of the '382 Patent by making, using, providing, offering to sell and/or selling its PNC Wealth Insight system/service.

28. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant also has and continues to directly infringe at least claim 1 of the '382 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of its PNC Wealth Insight system/service in this judicial district and elsewhere in the United States. Specifically, Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has actively induced and continues to induce the infringement of at least claim 1 of the '382 Patent at least by actively inducing the use of its PNC Wealth Insight system/service by third party users in the United States. Intellectual Ventures I is informed and believe, and thereon alleges, that Defendant knew or should have known that its conduct would induce others to use the PNC Wealth Insight system/service in a manner than infringes the '382 Patent. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will continue to infringe the '382 Patent in violation of 35 U.S.C. §271(a) by using the infringing system/service. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant through at least the websites at <https://pncbank.com> and <https://pncsites.com> actively induced its customers to infringe the '382 Patent.

29. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has contributorily infringed and continues to contributorily infringe at least claim 1 of the '382 Patent by providing, selling and/or offering to sell within the United States infringing systems and services that constitute a material part of the claimed invention and are not staple articles of commerce suitable for substantial non-infringing use. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will infringe the '382 Patent in violation of 35 U.S.C. § 271(a) by using the infringing system.

30. Intellectual Ventures I has provided written notice via letter to Defendant of its infringement of at least claim 1 of the '382 Patent, and Defendant also has written notice of its infringement by virtue of the filing and service of this Complaint.

31. Intellectual Ventures I has suffered damages as a result of Defendant's infringement of the '382 Patent in an amount to be proven at trial.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 6,182,894)

32. Intellectual Ventures I and Intellectual Ventures II incorporate by reference the foregoing averments as if fully set forth below.

33. Intellectual Ventures II is informed and believes and thereon alleges that Defendant has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 18 of the '894 Patent by making, using, providing, offering to sell and/or selling its PNC Bank Visa Check Card system/service.

34. Intellectual Ventures II is informed and believes, and thereon alleges, that Defendant also has and continues to directly infringe at least claim 18 of the '894 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of its PNC Bank Visa Check Card system/service in this judicial district and elsewhere in the United States. Specifically, Intellectual Ventures II is informed and believes, and thereon alleges, that Defendant has actively induced and continues to induce the infringement of at least claim 18 of the '894 Patent at least by actively inducing the use of its PNC Bank Visa Check Card system/service by third party users in the United States. Intellectual Ventures II is informed and believe, and thereon alleges, that Defendant knew or should have known that its conduct would induce others to use the PNC Bank Visa Check Card system/service in a manner than infringes the

'894 Patent. Intellectual Ventures II is informed and believes, and thereon alleges, that these third parties have infringed and will continue to infringe the '894 Patent in violation of 35 U.S.C.

§271(a) by using the infringing system/service. Intellectual Ventures II is informed and believes, and thereon alleges, that Defendant through at least the websites at <https://pncbank.com> and <https://pnccsites.com> actively induced its customers to infringe the '894 Patent.

35. Intellectual Ventures II is informed and believes, and thereon alleges, that Defendant has contributorily infringed and continues to contributorily infringe at least claim 18 of the '894 Patent by providing, selling and/or offering to sell within the United States infringing systems and services that constitute a material part of the claimed invention and are not staple articles of commerce suitable for substantial non-infringing use. Intellectual Ventures II is informed and believes, and thereon alleges, that these third parties have infringed and will infringe the '894 Patent in violation of 35 U.S.C. § 271(a) by using the infringing system.

36. Intellectual Ventures II has provided written notice via letter to Defendant of its infringement of at least claim 18 of the '894 Patent, and Defendant also has written notice of its infringement by virtue of the filing and service of this Complaint.

37. Intellectual Ventures II has suffered damages as a result of Defendant's infringement of the '894 Patent in an amount to be proven at trial.

FOURTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,083,137)

38. Intellectual Ventures I and Intellectual Ventures II incorporate by reference the foregoing averments as if fully set forth below.

39. Intellectual Ventures I is informed and believes and thereon alleges that Defendant has directly infringed and continues to directly infringe, literally and/or under the doctrine of

equivalents, at least claim 12 of the '137 Patent by making, using, providing, offering to sell and/or selling its Visa Business Check Card and Visa Information Source Select system/service.

40. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant also has and continues to directly infringe at least claim 12 of the '137 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of its Visa Business Check Card and Visa Information Source Select system/service in this judicial district and elsewhere in the United States. Specifically, Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has actively induced and continues to induce the infringement of at least claim 12 of the '137 Patent at least by actively inducing the use of its Visa Business Check Card and Visa Information Source Select system/service by third party users in the United States. Intellectual Ventures I is informed and believe, and thereon alleges, that Defendant knew or should have known that its conduct would induce others to use the Visa Business Check Card and Visa Information Source Select system/service in a manner that infringes the '137 Patent. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will continue to infringe the '137 Patent in violation of 35 U.S.C. §271(a) by using the infringing system/service. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant through at least the websites at <https://pncbank.com> and <https://pnccsites.com> actively induced its customers to infringe the '137 Patent.

41. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has contributorily infringed and continues to contributorily infringe at least claim 12 of the '137 Patent by providing, selling and/or offering to sell within the United States infringing systems and services that constitute a material part of the claimed invention and are not staple articles of commerce suitable for substantial non-infringing use. Intellectual Ventures I is informed and

believes, and thereon alleges, that these third parties have infringed and will infringe the '137 Patent in violation of 35 U.S.C. § 271(a) by using the infringing system.

42. Intellectual Ventures I has provided written notice via letter to Defendant of its infringement of at least claim 12 of the '137 Patent, and Defendant also has written notice of its infringement by virtue of the filing and service of this Complaint.

43. Intellectual Ventures I has suffered damages as a result of Defendant's infringement of the '137 Patent in an amount to be proven at trial.

FIFTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,757,298)

44. Intellectual Ventures I and Intellectual Ventures II incorporate by reference the foregoing averments as if fully set forth below.

45. Intellectual Ventures I is informed and believes and thereon alleges that Defendant has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, at least claim 1 of the '298 Patent by making, using, providing, offering to sell and/or selling its PCI DSS Validation system/service.

46. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant also has and continues to directly infringe at least claim 1 of the '298 Patent by inducing others to infringe and/or contributing to the infringement of others, including third party users of its PCI DSS Validation system/service in this judicial district and elsewhere in the United States. Specifically, Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has actively induced and continues to induce the infringement of at least claim 1 of the '298 Patent at least by actively inducing the use of its PCI DSS Validation system/service by third party users in the United States. Intellectual Ventures I is informed and believe, and thereon alleges, that

Defendant knew or should have known that its conduct would induce others to use the PCI DSS Validation system/service in a manner than infringes the '298 Patent. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will continue to infringe the '298 Patent in violation of 35 U.S.C. §271(a) by using the infringing system/service. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant through at least the websites at <https://pncbank.com> and <https://pnccsites.com> actively induced its customers to infringe the '298 Patent.

47. Intellectual Ventures I is informed and believes, and thereon alleges, that Defendant has contributorily infringed and continues to contributorily infringe at least claim 1 of the '298 Patent by providing, selling and/or offering to sell within the United States infringing systems and services that constitute a material part of the claimed invention and are not staple articles of commerce suitable for substantial non-infringing use. Intellectual Ventures I is informed and believes, and thereon alleges, that these third parties have infringed and will infringe the '298 Patent in violation of 35 U.S.C. § 271(a) by using the infringing system

48. Intellectual Ventures I has provided written notice via letter to Defendant of its infringement of at least claim 1 of the '298 Patent, and Defendant also has written notice of its infringement by virtue of the filing and service of this Complaint.

49. Intellectual Ventures I has suffered damages as a result of Defendant's infringement of the '298 Patent in an amount to be proven at trial.

WHEREFORE, the Plaintiffs, Intellectual Ventures I and Intellectual Ventures II, respectfully requests that judgment be entered in their favor and against the Defendants as follows:

1. On the First Claim for Relief, that PNC Financial Services and PNC Bank have infringed the '701 Patent;

2. On the Second Claim for Relief, that PNC Financial Services and PNC Bank have infringed the '382 Patent;
3. On the Third Claim for Relief, that PNC Financial Services and PNC Bank have infringed the '894 Patent;
4. On the Fourth Claim for Relief, that PNC Financial Services and PNC Bank have infringed the '137 Patent;
5. On the Fifth Claim for Relief, that PNC Financial Services and PNC Bank have infringed the '298 Patent;
6. Intellectual Ventures I be awarded damages adequate to compensate it for PNC Financial Service' and PNC Bank's past infringement and any continuing or future infringement of the '701 Patent, the '382 Patent, the '137 Patent and the '298 Patent up until the date such judgment is entered, including pre-judgment and post-judgment interest, costs and disbursements as justified under 35 U.S.C. §284 and, if necessary, to adequately compensate Intellectual Ventures I for PNC Financial Service's and PNC Bank's infringement, an accounting;
7. Intellectual Ventures II be awarded damages adequate to compensate it for PNC Financial Service' and PNC Bank's past infringement and any continuing or future infringement of the '894 Patent up until the date such judgment is entered, including pre-judgment and post-judgment interest, costs and disbursements as justified under 35 U.S.C. §284 and, if necessary, to adequately compensate Intellectual Ventures II for PNC Financial Service's and PNC Bank's infringement, an accounting;
8. Awarding Intellectual Ventures I attorneys' fees, costs and expenses incurred in prosecuting this action;
9. Awarding Intellectual Ventures II attorneys' fees, costs and expenses incurred in prosecuting this action; and
10. Awarding Intellectual Ventures I and Intellectual Ventures II such other and further relief as the Court deems just and proper.

A JURY TRIAL IS DEMANDED IN THIS MATTER

Respectfully submitted,

ZIMMER KUNZ, PLLC

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